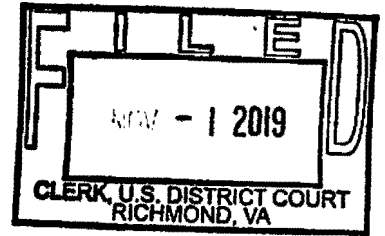


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



UNITED STATES OF AMERICA

v.

Criminal Action No. 3:08CR283

Civil Action No. 3:19CV819

MIRACLE SMITH

MEMORANDUM OPINION

By Memorandum Opinion and Order entered on August 12, 2015, the Court denied a 28 U.S.C. § 2255 motion filed by Miracle Smith. (ECF Nos. 100, 101.) On October 21, 2019, the Court received another 28 U.S.C. § 2255 Motion from Smith ("Successive § 2255 Motion," ECF No. 147).

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a "gatekeeping mechanism." Felker v. Turpin, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). Specifically, "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A).

Because the Fourth Circuit has not authorized this Court to entertain Smith's Successive § 2255 Motion, the Successive § 2255 Motion (ECF No. 147) will be dismissed for want of jurisdiction. The Court will deny a certificate of appealability.

An appropriate Final Order will accompany this Memorandum Opinion.

/s/ NEP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: October 31, 2019